

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**MARIA BAKARI
463 Fairfield Pike
Yellow Springs, Ohio 45387**

: Case No.

Plaintiff,

:

: Judge

vs.

:

**BRUCE MAYS
Greene County, Ohio Ace Task Force
Address Unknown**

**GREENE COUNTY, OHIO
61 Greene Street, Second Floor
Xenia, Ohio 45385**

Defendants.

:

:

**COMPLAINT
AND JURY DEMAND**

:

Plaintiff, Maria Bakari, through her attorney states as follows:

Jurisdiction

1. This action is brought pursuant to 42 U.S.C. Sections 1983 and 1988 and the Fifth and Fourteenth Amendments to the Constitution of the United States. Jurisdiction is founded on 28 U.S.C. Sections 1331 and 1341(3) and (4) and the aforementioned constitutional and statutory provisions. Plaintiff further invokes the pendant jurisdiction of this Court to hear and decide any claims arising out of state law.

Parties

2. Plaintiff Maria Bakari, is a resident of the Village of Yellow Springs, County of Greene, Ohio.

3. Plaintiff at all times of the incidents alleged herein was a resident of the Greene County, Ohio.

4. Plaintiff is the mother of Umoji Bakari, now deceased, her husband is Iddi Bakari

5. Bruce Mays is a United States citizen and at the times of the incidents alleged herein was a. employed by the Greene County ACE Task Force.

6. Greene County is a political subdivision of the State of Ohio..

8. The Greene County ACE Task Force is a law enforcement agency or entity of Greene County, Ohio investigating and creating and utilizing informants in drug investigations within the geographical limits of Greene County, Ohio.

9. The Greene County Prosecutor's Office is a department of the Defendant Greene County, Ohio responsible for the prosecution of felonies occurring within the territorial limits of Greene County, Ohio.

10. Greene County, Ohio is responsible for the establishment and ongoing operation of it's the ACE Task Force of Greene County, Ohio.

11. Greene County, Ohio is responsible for the fair and just investigation and Prosecution of crimes occurring within its territorial limits through its agents and representatives, the Greene County ACE Task Force and the Greene County Prosecutor's Office.,

First Cause of Action: Deprivation of Constitutional Rights

12. On or about April 25, 2008, Plaintiff's son, Umoja Bakari was indicted by secret indictment for one count of engaging in a pattern of corrupt activity, one count of conspiracy to engage in a pattern of corrupt activity, six counts of engaging in a pattern of corrupt activities with forfeiture specifications, two counts of conspiracy to commit trafficking in marijuana, two counts of money laundering, three counts of trafficking in cocaine, two counts of possession of cocaine, two counts of complicity to traffick in cocaine, and one count of complicity to traffick in marijuana.

13. After indictment, the State of Ohio and the ACE Task Force moved to seize property both real and personal of Umoja Bakari.

14. Umoja Bakari was arrested in the State of Georgia and died while in the custody of the Dekalb County Jail on June 27, 2008.

15. In the Dayton Daily News of June 27, 2008, the State, through the ACE Task Force, claimed that it had spent years investigating Umoja Bakari's "drug enterprise".

16. It was stated in the June 25, 2008 and June 27, 2008 Dayton Daily News that Umoja Bakari provided information to authorities that help solve the two year murder investigation of the death of Timothy Lopez. Defendant Bruce Mays was quoted in the June 25, 2008 article.

17. Although Umoja Bakari cooperated with police in 2004 to solve the murder investigation of Timothy Lopez, he was indicted four years later and his name was maliciously provided to the news media.

18. Although alleged to be the “leader” of a major drug ring, as he was maliciously portrayed by the Defendants Bruce Mays and the ACE Task Force, Umoja Bakari, of whom the Defendant’s claimed to have known concerning his alleged drug activities since the Lopez investigation, was not indicted until four years later,

19. The media conviction and hounding of Umoja Bakari were contrary to his prior cooperation with authorities, specifically the Defendants, and deprived Umoja Bakari of his constitutional rights to due process of law, his Sixth Amendment right to a public and fair trial and his right against cruel and unusual punishment.

20. The media conviction and hounding of Umoja Bakari were contrary to his prior cooperation with authorities and violated Umoja Bakari’s cooperation agreement with the Defendant’s Ace Task Force and Greene County, Ohio.

21. Such media activities were done with malice.

22. During the search for Umoja Bakari, occasioned by the breach of his cooperation with the authorities and the deprivation of his constitutional rights, the homes of members of Maria Bakari’s family were searched and disrupted, physically and emotionally.

23. Due to its malicious deprivation of the Constitutional rights of Umoja Bakari and the unlawful breach of his agreement of cooperation with the Defendants Bruce May, ACE Task Force and Greene County, Ohio, the search of the residences of the Plaintiff's family were unconstitutional under the Fourth Amendment to the United States Constitution as being unreasonable,

24. Due to its malicious deprivation of the Constitutional rights of Umoja Bakari and the unlawful breach of his agreement of cooperation with the Defendants Bruce May, ACE Task Force and Greene County, Ohio, the search of the residences of the Plaintiff's family were unconstitutional under the Fourth Amendment to the United States Constitution as being unreasonable and, as such, the Plaintiff was submitted to cruel and unusual punishment under the Eighth Amendment to the United States Constitution,

25. Due to its malicious deprivation of the Constitutional rights of Umoja Bakari and the unlawful breach of his agreement of cooperation with the Defendants Bruce May, ACE Task Force and Greene County, Ohio, the search of the residences of the Plaintiff's family was unconstitutional under the Fourth Amendment to the United States Constitution as being unreasonable and her punishment in the press violated her right to the due process of law,

26. As a result of the malicious actions of the Defendant's, the Plaintiff has suffered attacks of anxiety for which medication has been prescribed, increased severe hypertension requiring medication and hospitalization, seizures and counselling,

27. WHEREFORE Plaintiff demands general damages from the Defendants, in an amount exceeding \$75,000.00 .

Second Cause of Action: Conspiracy for Deprivation of Constitutional Rights

29. The Plaintiff repeats paragraphs 1 through 27 as if fully rewritten herein.

30. The named Defendants, May and Greene County, Ohio conspired to deprive the Plaintiff of her due process rights under the Fifth and Fourteenth Amendments, her right to be free of unreasonable searches and seizures under the Fourth Amendment, and her right to be free of cruel and unusual punishment under the Eighth Amendment to the United States Constitution.

31. WHEREFORE Plaintiff demands general damages from the Defendants, in an amount exceeding \$75,000.00 .

Third Cause of Action: Deprivation of Constitutional Rights

32. The Plaintiff repeats paragraphs 1 through 31 as if fully rewritten herein.

33. Defendant Greene County, Ohio through its agent, The Greene County Prosecutor's Office, was aware of the actions of the Defendants May, Etchison and Tidd and failed to stop such illegal actions and participated in and knowingly received the benefits of these illegal actions.

34. WHEREFORE Plaintiff demands general damages from the Defendants, in an amount exceeding \$75,000.00

Fourth Cause of Action: Negligent Deprivation of Constitutional Rights

35. The Plaintiff repeats paragraphs 1 through 34 as if fully rewritten herein.

36. Defendant Greene County, Ohio has negligently failed to hire, train or supervise its officers to assure that its officers do not violate the constitutional rights of c innocent third parties to criminal investigations,

37. As a direct and proximate result of the aforementioned acts, omissions, systematic deficiencies, policies and customs of the Greene County, Ohio, Defendant May and the ACE Task Force deprived the Plaintiff of her constitutional rights enumerated herein.

38. Defendant Greene County, Ohio negligently failed to provide a policy or procedures concerning the stopping and/or disciplining of officers who engaged in known repeated and ongoing activities or negligently failed to apply such a policy if one were in existence,

39. WHEREFORE Plaintiff demands general damages from the Defendant Greene County in an amount exceeding \$75,000.00,

Fifth Cause of Action: Intentional Infliction of Emotional Distress

40. The Plaintiff repeats paragraphs 1 through 37 as if fully rewritten herein.

41. The unlawful and intentional defendants actions in invading the home of the Plaintiff proximately caused attacks of anxiety for which medication has been prescribed, increased severe hypertension requiring medication and hospitalization, seizures and counseling,

42. WHEREFORE Plaintiff demands general damages from the Defendant Greene County in an amount exceeding \$75,000.00,

Sixth Cause of Action: Negligent Infliction of Emotional Distress

43. The Plaintiff repeats paragraphs 1 through 42 as if fully rewritten herein.

44. The Defendants had a duty to conduct themselves in a manner that would not cause emotional distress to innocent third parties,

45. The defendants recklessly and negligently failed in this duty,

46. The unlawful and intentional defendants actions in invading the home of the Plaintiff proximately caused attacks of anxiety for which medication has been prescribed,

increased severe hypertension requiring medication and hospitalization, seizures and counseling,

47. WHEREFORE Plaintiff demands general damages from the Defendant Greene County in an amount exceeding \$75,000.00,

Respectfully submitted,

/s/ George A. Katchmer
George A. Katchmer (0005031)
115 Brookside Drive
Yellow Springs, Ohio 45387
937/767-1310 phone
937/767-1350 facsimile
Attorney for Plaintiff

JURY DEMAND

Now comes the Plaintiff, by and through counsel, and hereby demands a jury trial on all issues in this matter.

/s/ George A. Katchmer
George A. Katchmer (0005031)
Attorney for Plaintiff